

SENATE BILL 349
By Black

AN ACT to amend Tennessee Code Annotated, Title 29, relative to tort reform.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 26, Part 1, is amended by adding the following as a new, appropriately designated section:

29-26-1__.

(a) In any malpractice action seeking damages in which a verdict, award or finding for future damages exceeds the sum of one hundred thousand dollars (\$100,000), the court may, in its sound discretion, and at the request of either party, enter a judgment which provides for the periodic payment of that portion of the verdict, award or finding which represents future damages, including, but not limited to, future pain and suffering and future loss of earning capacity.

(b) Unless otherwise agreed to by the claimant, periodic payments shall not be ordered by the court in any case involving an intentional tort, or wrongful conduct perpetrated with or accompanied by fraud, dishonesty, malice, willfulness, gross negligence or which represents an extreme deviation from reasonable standards of conduct.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.